

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

Case No. 3:23-MD-3071

**This Document Relates to:
ALL CASES**

Chief Judge Waverly D. Crenshaw, Jr.

UNITED STATES' NOTICE OF POTENTIAL PARTICIPATION

The United States respectfully notifies the Court that it is considering filing a Statement of Interest in this case by November 15, 2023 under 28 U.S.C. § 517, which permits the Attorney General to direct any officer of the Department of Justice to attend to the interests of the United States in any case pending in a federal court.

The United States enforces the federal antitrust laws and has a strong interest in their correct application. The government has a particularly substantial interest in addressing the proper application of Section 1 of the Sherman Act, 15 U.S.C. § 1, to the use of algorithms by competitors to help set pricing. Companies' use of algorithms in price setting, often in an effort to increase pricing, has become more prevalent in the modern economy. As a result, the issues involved in this case are of increasing significance to the application of antitrust law across the economy.

To minimize disruption to the Court and to the parties, the United States proposes filing its potential Statement of Interest by November 15, 2023—one week after the plaintiffs file oppositions to the pending motions to dismiss. Alternatively, the United States is amenable to filing its potential Statement of Interest on any feasible timeline the Court believes to be most helpful.

The United States notified counsel for both plaintiffs and defendants this morning of its intent to file this notice. The plaintiffs have indicated they do not oppose this notice. The defendants did not respond by the time of filing.

The United States appreciates the Court's consideration of its interest in this matter.

Dated: October 12, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document, which was filed with the Court through the CM/ECF system, will be sent electronically to all registered participants.

Dated: October 12, 2023

s/ Michael C. Tackeff
MICHAEL C. TACKEFF